

TEXAS TRANSPORTATION COMMISSION

BEXAR County

MINUTE ORDER

Page 1 of 1

SAN ANTONIO District

In Bexar County, on FM 1518, the State of Texas acquired certain land for highway purposes by an instrument recorded in Document Number 20190131865, Deed Records of Bexar County, Texas.

The land (Parcel 118, RCSJ 0465-02-028) was conveyed to the state for a highway right of way using an incorrect metes and bounds description that resulted in the acquisition of real property not intended to be included and not needed for a highway purpose.

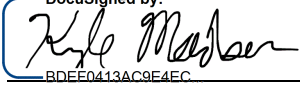
In accordance with V.T.C.A., Transportation Code §202.028, the Texas Transportation Commission (the commission) may recommend to the governor the execution and delivery of a quitclaim deed, correction deed or other conveyance instrument necessary to resolve an ambiguity or error in an instrument that conveyed an interest in real property to the state for a highway right of way and which resulted in the acquisition of an interest in real property not intended to be included and not needed for a highway purpose.

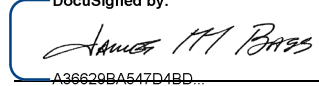
Gary Richard Obearle, a single man, has requested the state execute a corrective instrument reflecting a correct metes and bounds description of the property acquired. The Material Correction Deed, attached hereto as Exhibit A, is such a corrective instrument.

IT IS THEREFORE ORDERED by the commission that the commission recommends, subject to approval by the attorney general, that the governor of Texas execute the Material Correction Deed, attached hereto as Exhibit A, in order to resolve the error in the metes and bounds description.

Submitted and reviewed by:

Recommended by:

DocuSigned by:

BDEF0413AC9E4EC
Director, Right of Way Division

DocuSigned by:

A36629BA547D4BD...
Executive Director

115911 Dec. 10, 2020

Minute	Date
Number	Passed

MATERIAL CORRECTION DEED

TxDOT ROW CSJ: 0465-02-028

TxDOT Parcel No.: 118

Grantor(s), whether one or more:

Gary Richard Obearle, a single man

Grantor's Mailing Address (including county):

7530 E. FM 1518 N.
Schertz, Texas 78154
Bexar County

Grantee:

The State of Texas, acting by and through the Texas Transportation Commission

Grantee's Authority:

The Texas Transportation Commission is authorized under the Texas Transportation Code to purchase land and such other property rights (including requesting that counties and municipalities acquire highway right of way) deemed necessary or convenient to a state highway or turnpike project to be constructed, reconstructed, maintained, widened, straightened, or extended, or to accomplish any purpose related to the location, construction, improvement, maintenance, beautification, preservation, or operation of a state highway or turnpike project.

The Texas Transportation Commission is also authorized under the Texas Transportation Code, Chapter 203 to acquire or request to be acquired such other property rights deemed necessary or convenient for the purposes of operating a state highway or turnpike project, with control of access as necessary to facilitate the flow of traffic and promote the public safety and welfare on both non-controlled facilities and designated controlled access highways and turnpike projects.

In accordance with V.T.C.A., Transportation Code, Chapter 202, Subchapter B, the Governor, upon recommendation of the Texas Transportation Commission, may execute and deliver a deed to resolve an ambiguity or error in an instrument that conveyed an interest in real property to the state for a highway right of way.

Whereas Gary Richard Obearle, a single man, of the County of Bexar, State of Texas, as Grantor, hereinafter referred to as "Grantor", whether one or more, did, on or about the 17th day of May 2019, execute and deliver to the State of Texas, as Grantee, a conveyance of the certain lands, situated in Bexar County, Texas, and more particularly described in Doc# 20190131865 of the Deed Records of Bexar County, Texas. Said instrument contained a mutual mistake in the description and resulted in the acquisition of real property or an interest in real property not intended to be included and not needed for a highway purpose.

The description attached hereto as Exhibit "A" is the correct description.

Whereas, to prevent difficulties hereafter, it is appropriate to correct the record in this regard by filing this instrument which contains a corrected legal description..

Grantee's Mailing Address (including county):

Texas Department of Transportation
125 E. 11th Street
Austin, Texas 78701
Travis County

Consideration:

The sum of **One Hundred Twenty-Seven Thousand, Seven Hundred Nine and NO/100 Dollars (\$127,709.00)** (The consideration recited herein represents a settlement and compromise by all parties as to the value of the property herein conveyed in order to avoid formal ED proceedings and the added expenses of litigation.) to Grantor in hand paid by Grantee, receipt of which is hereby acknowledged, and for which no lien is retained, either expressed or implied.

Property:

All of that certain tract or parcel of land in Bexar County, Texas, being more particularly described in the attached Exhibit A (the “**Property**”).

Reservations from and Exceptions to Conveyance and Warranty:

This conveyance is made by Grantor and accepted by Grantee subject to the following:

1. Visible and apparent easements not appearing of record.
2. Any discrepancies, conflicts, or shortages in area or boundary lines or any encroachments or any overlapping of improvements which a current survey would show.
3. Easements, restrictions, reservations, covenants, conditions, oil and gas leases, mineral severances, and encumbrances for taxes and assessments (other than liens and conveyances) presently of record in the Official Public Records of Bexar County, Texas, that affect the property, but only to the extent that said items are still valid and in force and effect at this time.

Grantor reserves all of the oil, gas, sulfur in and under the Property but waives all rights of ingress and egress to the surface thereof for the purpose of exploring, developing, mining or drilling for same; however, nothing in this reservation shall affect the title and rights of the Grantee, its successors and assigns, to take and use all other minerals and materials thereon, therein and thereunder.

Grantor is retaining title to the following improvements (“Retained Improvements”) located on the Property, to wit: *Metal; 32-foot Gate, Metal; 26-foot Gate*

Grantor covenants and agrees to remove the Retained Improvements from the Property 30 days after closing, subject to such extensions of time as may be granted by Grantee in writing. In the event Grantor fails, for any reason, to remove the Retained Improvements within the time prescribed, then, without further consideration, title to all or part of such Retained Improvements not so removed shall pass to and vest in Grantee, its successors and assigns, forever.

Access on and off Grantor’s remaining property to and from the State highway facility shall be permitted except to the extent that such access is expressly prohibited by the provisions set out in

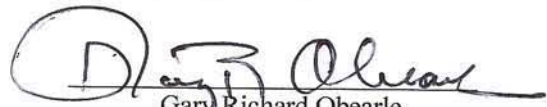
Exhibit "A". Grantor acknowledges that such access on and off the State highway facility is subject to regulation as may be determined by the Texas Department of Transportation to be necessary in the interest of public safety or by applicable local municipal or county zoning, platting, or permitting requirements.

GRANTOR, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in anywise belonging, to have and to hold it to Grantee and Grantee's successors and assigns forever. Grantor binds Grantor and Grantor's heirs, successors and assigns to Warranty and Forever Defend all and singular the Property to Grantee and Grantee's successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

This is a correction deed given and accepted as such in substitution for such earlier deed, more particularly described in Doc# 20190131865 of the Deed Records of Bexar County, Texas recorded on the 10th day of July 2019, and it shall be effectual as of and retroactive to such date.

EXECUTED on the date(s) of acknowledgment indicated below.

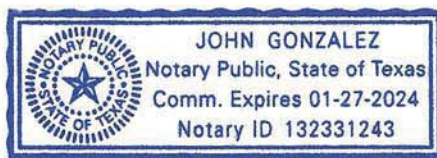
GRANTOR:


Gary Richard Obearle

Acknowledgment

State of Texas
County of Bexar

This instrument was acknowledged before me on August 28th, 2020 by Gary Richard Obearle, a single man.




Notary Public's Signature

IN TESTIMONY WHEREOF, I have caused the Seal of the State to be affixed.

Executed this the _____ day of _____ 20__.

GREG ABBOTT
GOVERNOR OF TEXAS

Recommended for Approval:

James M. Bass, Executive Director

Approved:

Ken Paxton
Attorney General

Attest:

Ruth R. Hughs
Secretary of State

By: _____
Catherine R. Fuller
Assistant Attorney General

NOTE TO COUNTY CLERK: PROPERTY CODE § 12.006 AUTHORIZES THE RECORDATION OF THIS INSTRUMENT WITHOUT ACKNOWLEDGMENT OR FURTHER PROOF OF THE SIGNATURE OF THE GOVERNOR.

PROPERTY DESCRIPTION FOR PARCEL 118

A 0.1315 acre (5,729 square feet) tract of land out of that 8.300 acre tract of land described in a deed executed on October 7, 1987 from A. R. Obearle and wife, Martha W. Obearle to Gary Richard Obearle recorded in Volume 4154, Page 516 of the Official Public Records of Bexar County, Texas, situated in the Julian Diaz Survey, Abstract 187, County Block 5059 of Bexar County, Texas. Said 0.1315 acre tract being more fully described as follows:

COMMENCING at a point at the east corner of a called 10.000 acre tract described in deed recorded in Volume 15506, Page 1191 of the Official Public Records of Bexar County, Texas, the north corner of said 8.300 acre tract, from which a found 10 inch fence post bears North 11°40'06" West, a distance of 1.04 feet;

THENCE, South 59°48'30" West (called North 59°06' East), along and with the common line between said 10.000 acre tract and said 8.300 acre tract, a distance of 1,358.88 feet to a set ½ inch iron rod with yellow cap marked "Pape-Dawson"*** on the proposed northeast right-of-way line of F.M. 1518, the north corner and the POINT OF BEGINNING of the herein described Parcel 118. Said point being 61.00 feet left of and at a right angle to F.M. 1518 proposed alignment station 333+04.87 and having surface coordinates of N 13,732,880.39 and E 2,213,162.77;

THENCE, departing said common line, over and across said 8.300 acre tract, along and with the proposed northeast right-of-way line of said F.M. 1518, the following courses and distances:

- (1) South 30°28'27" East, a distance of 48.56 feet to a set ½ inch iron rod with yellow cap marked "Pape-Dawson"***, being 61.00 feet left of and at a right angle to F.M. 1518 proposed alignment station 333+53.43;
- (2) South 59°31'33" West, a distance of 2.00 feet to a set ½ inch iron rod with yellow cap marked "Pape-Dawson"***, being 59.00 feet left of and at a right angle to F.M. 1518 proposed alignment station 333+53.43;
- (3) South 30°28'27" East, a distance of 65.08 feet to a set ½ inch iron rod with yellow cap marked "Pape-Dawson"***, being 59.00 feet left of and at a right angle to F.M. 1518 proposed alignment station 334+18.51;
- (4) North 59°31'33" East, a distance of 2.00 feet to a set ½ inch iron rod with yellow cap marked "Pape-Dawson"***, being 61.00 feet left of and at a right angle to F.M. 1518 proposed alignment station 334+18.51;

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- (5) South 30°28'27" East, a distance of 53.88 feet to a set ½ inch iron rod with yellow cap marked "Pape-Dawson"**, being 61.00 feet left of and at a right angle to F.M. 1518 proposed alignment station 334+72.39;
- (6) South 75°28'27" East, a distance of 21.21 feet to a point which falls in a dirt pile (unable to set), being 76.00 feet left of and at a right angle to F.M. 1518 proposed alignment station 334+87.39;
- (7) South 30°28'27" East, a distance of 26.99 feet to a set ½ inch iron rod with yellow cap marked "Pape-Dawson"**, being 76.00 feet left of and at a right angle to F.M. 1518 proposed alignment station 335+14.38;
- (8) South 14°31'33" West, a distance of 21.21 feet to a set ½ inch iron rod with yellow cap marked "Pape-Dawson"**, being 61.00 feet left of and at a right angle to F.M. 1518 proposed alignment station 335+29.38;
- (9) South 30°28'27" East, a distance of 36.96 feet to a point being 61.00 feet left of and at a right angle to F.M. 1518 proposed alignment station 335+66.34 on the southeast line of said 8.300 acre tract, the west corner of a called 1.272 acre tract recorded in Volume 15460, Page 2257 of the Official Public Records of Bexar County, Texas, on the existing northeast right-of-way line of F.M. 1518 (80-foot wide at this point), from which a found iron rod with 1½ inch aluminum cap (held for line) bears South 59°48'04" West, a distance of 0.51 feet;
- (10) THENCE, South 59°48'04" West, along the southeast line of said 8.300 acre tract, the existing northeast right-of-way line of said F.M. 1518, a distance of 20.00 feet to a point at the south corner of said 8.300 acre tract, from which a found iron rod with 1½ inch aluminum cap (held for line) bears South 59°48'04" West, a distance of 0.53 feet;
- (11) THENCE, North 30°28'27" West, along and with the common line between the existing northeast right-of-way line of said F.M. 1518 and said 8.300 acre tract, a distance of 261.47 feet to a point at the south corner of said 10.000 acre tract, the west corner of said 8.300 acre tract, from which a found ½ inch iron (held for line) bears South 59°48'30" West, a distance of 0.97 feet;

- (12) THENCE, North 59°48'30" East, departing the existing northeast right-of-way line of said F.M. 1518, along and with the common line between said 10.000 acre tract and said 8.300 acre tract, a distance of 20.00 feet to the POINT OF BEGINNING, and containing 0.1315 of an acre (5,729 square feet) in Bexar County, Texas.

** The monument described and set in this call may be replaced with a TxDOT Type II right-of-way marker upon completion of the highway construction project under the supervision of a Registered Professional Land Surveyor, either employed or retained by TxDOT.

All bearings and coordinates are based on the Texas Coordinate System established for the South Central Zone from the North American Datum of 1983 NAD 83 (NA2011) epoch 2010.00. All distances and coordinates shown hereon are surface values represented in U.S. Survey Feet and may be converted to grid by dividing by a surface adjustment factor of 1.00017.

: A parcel plat of even date was prepared in conjunction with this property description.

Note Access will be permitted to the remainder property abutting the highway facility.

PREPARED BY:	Pape-Dawson Engineers, Inc., TBPLS #10028800 2000 NW Loop 410, San Antonio, Texas, 78213 210-375-9000	
REVISION DATE:	November 11, 2019	Revised Parcel Geometry
	June 25, 2019	Updated monument call
	November 20, 2018	Revised Parcel Geometry
DATE:	August 29, 2018	
JOB NO.	8896-02	
DOC. ID.	N:\CIVIL\8896-02\DGN\ROW FINAL MAP\PARCEL EXHIBITS\Word\FM 1518-PARCEL 118-R3.docx	



LEGEND:

OPR OFFICIAL PUBLIC RECORDS OF BEXAR COUNTY, TEXAS
DPR DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS
DR DEED RECORDS OF BEXAR COUNTY, TEXAS
FM FARM TO MARKET ROAD
I.R. IRON ROD
I.P. IRON PIPE
I.B. IRON BAR
N.T.S. NOT TO SCALE
● FOUND MONUMENTATION AS NOTED
○ SET 1/2" IRON ROD WITH PAPE-DAWSON CAP, UNLESS OTHERWISE NOTED
— P PARCEL BOUNDARY LINE
— PL PROPERTY LINE
— CL CHAIN LINK FENCE
— MB MAILBOX
— PP POWER POLE
— S SIGN
— SSM SANITARY SEWER MANHOLE
— FH FIRE HYDRANT
— WV WATER VALVE
— CB COMMUNICATION PULL BOX
— TEL TELEPHONE
— OHU OVERHEAD UTILITY
— SS SANITARY SEWER
— W WATER LINE
— UFO UNDERGROUND FIBER OPTIC
— X WIRE FENCE
— G GAS LINE

Exhibit A
Page 8 of 10



P.O.C.

CALL 8.300 ACRES
GARY RICHARD OBEARLE
VOLUME 4154, PAGE 516, OPR
OCTOBER 7, 1987

P.O.B.

118

F.M. 1518

(BD)

PARENT TRACT INSET

NOTES:

- 1) THE BEARINGS AND COORDINATES SHOWN HEREON ARE BASED ON THE NORTH AMERICAN DATUM OF 1983 (NA 2011) EPOCH 2010.00 FROM THE TEXAS COORDINATE SYSTEM ESTABLISHED FOR THE SOUTH CENTRAL ZONE, WITH A SURFACE ADJUSTMENT FACTOR OF 1.00017 APPLIED.
- 2) A METES AND BOUNDS DESCRIPTION OF EVEN DATE WAS PREPARED IN CONJUNCTION WITH THIS PARCEL PLAT.
- 3) ** THE MONUMENT DESCRIBED AND SET MAY BE REPLACED WITH A TXDOT TYPE II RIGHT-OF-WAY MARKER UPON COMPLETION OF THE HIGHWAY CONSTRUCTION PROJECT UNDER THE SUPERVISION OF A REGISTERED PROFESSIONAL LAND SURVEYOR, EITHER EMPLOYED OR RETAINED BY TXDOT.
- 4) (BD) RIGHT-OF-WAY DEED
0.981 OF AN ACRE
CONVEYED TO STATE OF TEXAS
RECORDED IN VOLUME 3995, PAGE 1
DEED RECORDS, BEXAR COUNTY, TEXAS
FEBRUARY 23, 1957

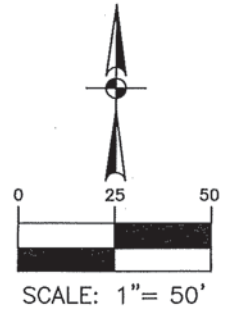


SAN ANTONIO | AUSTIN | HOUSTON | FORT WORTH | DALLAS
2000 NW LOOP 410 | SAN ANTONIO, TX 78213 | 210.375.9000
TBPE FIRM REGISTRATION #470 | TBPLS FIRM REGISTRATION #10028800

REVISION DATE	DESCRIPTION				BY
NOVEMBER 11, 2019	REVISED PARCEL GEOMETRY				JRZ
JUNE 25, 2019	UPDATED MONUMENT CALL				JRZ
NOVEMBER, 2018	REVISED PARCEL GEOMETRY				JSW
PARCEL NO.	DEED ACREAGE	ACQUIRED ACRES (SQ.FT.)	ABSTRACT	ACQ. ACRES (SQ.FT.) IN ORIGINAL SURVEY	REMAINDER ACREAGE
118	8.300	0.1315 (5,729)	187	N/A	8.034

**PARCEL PLAT SHOWING
PARCEL 118**

FED. RD. DIV. NO.	COUNTY	STATE	ORIGINAL DATE			HIGHWAY NO.
6	BEXAR	TEXAS	AUGUST, 2018			FM 1518
DIST.	SCALE	R.O.W.	CONT. NO.	SECT. NO.	JOB NO.	
15	N.T.S.		0465	02	028	



CALLED 10.000 ACRES
MILTON EMIL GOEHRING, NE' EMIL MILTON GOEHRING AND
EDELTRAUD GOEHRING NE'E EDELTRAUD KINBACH
VOLUME 15506, PAGE 1191, OPR

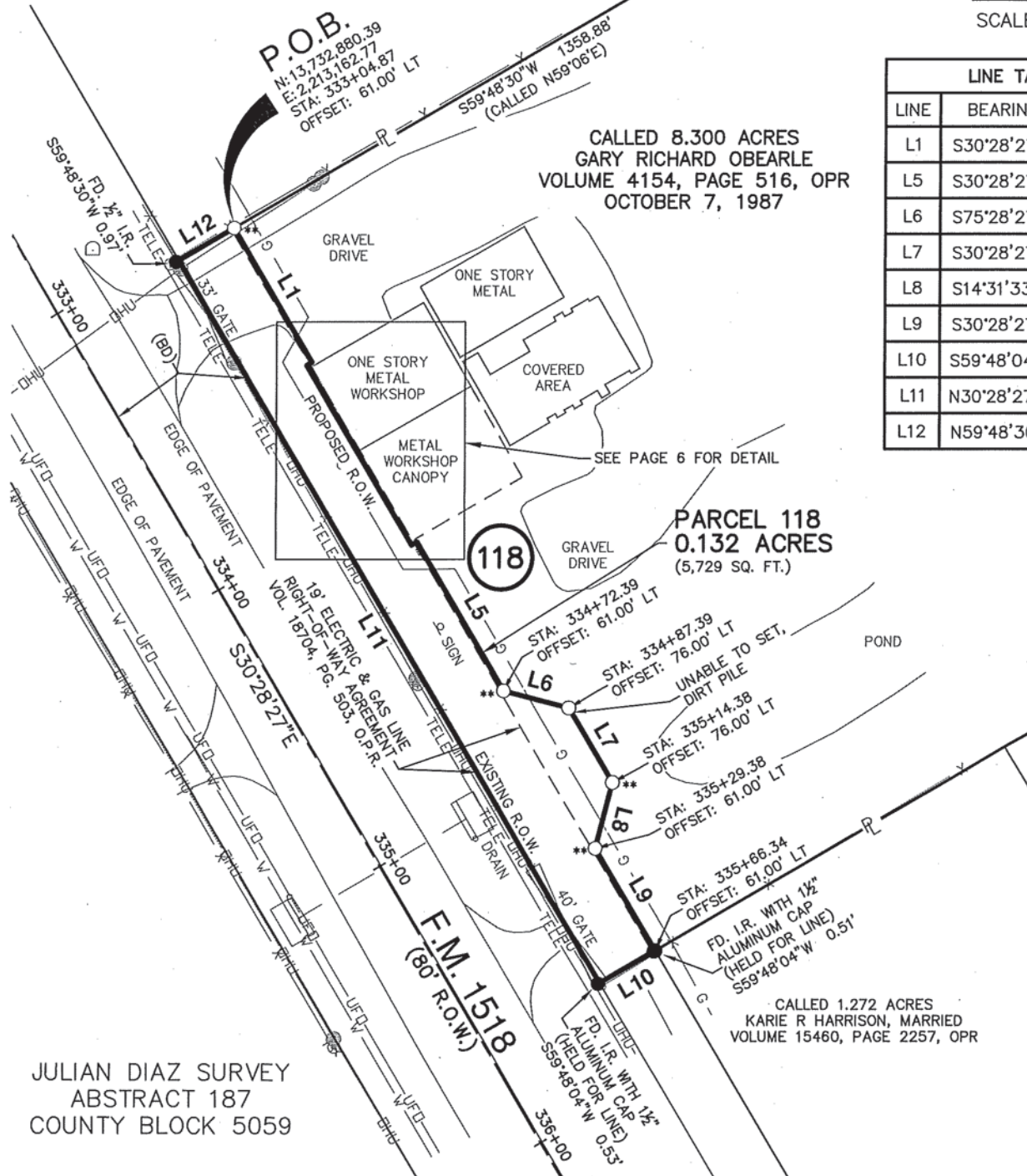
P.O.C.

10" FENCE POST
(N11°40'06"W, 1.04')

P.O.B.
N: 13,732.880.39
E: 2,213,162.77
STA: 333+04.87
OFFSET: 61.00' LT

CALLED 8.300 ACRES
GARY RICHARD OBEARLE
VOLUME 4154, PAGE 516, OPR
OCTOBER 7, 1987

LINE TABLE		
LINE	BEARING	LENGTH
L1	S30°28'27"E	48.56'
L5	S30°28'27"E	53.88'
L6	S75°28'27"E	21.21'
L7	S30°28'27"E	26.99'
L8	S14°31'33"W	21.21'
L9	S30°28'27"E	36.96'
L10	S59°48'04"W	20.00'
L11	N30°28'27"W	261.47'
L12	N59°48'30"E	20.00'



JULIAN DIAZ SURVEY
ABSTRACT 187
COUNTY BLOCK 5059



SAN ANTONIO | AUSTIN | HOUSTON | FORT WORTH | DALLAS
2000 NW LOOP 410 | SAN ANTONIO, TX 78213 | 210.375.9000
TBPE FIRM REGISTRATION #470 | TBPLS FIRM REGISTRATION #10028800

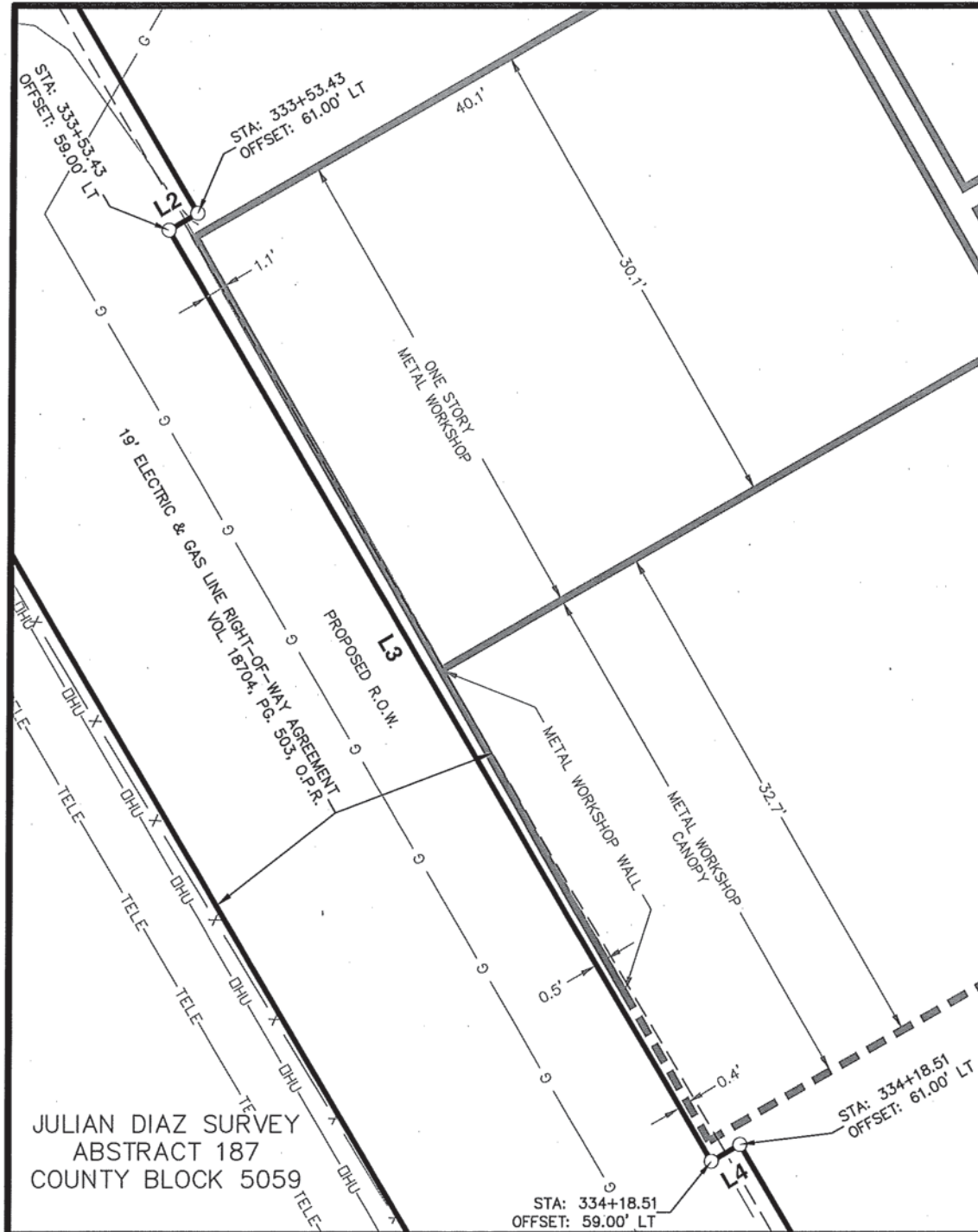
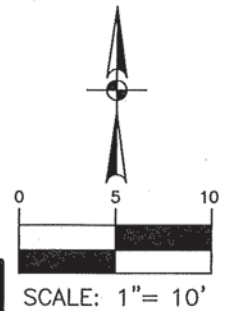
PARCEL PLAT SHOWING PARCEL 118

FED. RD. DIV. NO.	COUNTY	STATE	ORIGINAL DATE			HIGHWAY NO.
6	BEXAR	TEXAS	AUGUST, 2018			FM 1518
DIST.	SCALE	R.O.W.	CONT. NO.	SECT. NO.	JOB NO.	
15	1"=50'		0465	02	028	

LINE TABLE		
LINE	BEARING	LENGTH
L2	S59°31'33"W	2.00'
L3	S30°28'27"E	65.08'
L4	N59°31'33"E	2.00'

Exhibit A
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DETAIL



SAN ANTONIO | AUSTIN | HOUSTON | FORT WORTH | DALLAS
2000 NW LOOP 410 | SAN ANTONIO, TX 78213 | 210.375.9000
TBPE FIRM REGISTRATION #470 | TBPLS FIRM REGISTRATION #10028800

PARCEL PLAT SHOWING PARCEL 118

FED. RD. DIV. NO.	COUNTY	STATE	ORIGINAL DATE			HIGHWAY NO.
6	BEXAR	TEXAS	AUGUST, 2018			FM 1518
DIST.	SCALE	R.O.W.	CONT. NO.	SECT. NO.	JOB NO.	
15	1"=50'		0465	02	028	